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Written statement* submitted by Al-khoei Foundation, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Rising Anti-Shia Discrimination in Indonesia and the Curtailment of Freedom of Expression and Opinion

The Al-khoei Foundation is an international charitable organisation, founded in 1989 by the late Shia Muslim spiritual leader Ayatollah Al-khoei, which has had General Consultative Status with the ECOSOC since 1998. The Foundation works to promote the freedom of religion, tolerance, respect and justice for religious groups worldwide and actively supports all initiatives that foster peaceful co-operation and friendship between different religious and non-religious groups.

The Foundation works at local, national and international levels for the education and welfare of Muslim communities by running schools, and educational and community centres. We also undertake grassroots work such as chaplaincy in hospitals and prisons. We initiate projects which promote the empowerment of women and youth, and undertake international work on development, human rights and research into the protection of sacred sites during times of conflict. We participate in and sponsor many interfaith and intrafaith initiatives, which bring communities together. The Foundation is a signatory of international faith declarations such as the Amman Message (2004) and the 'A Common World' initiative (2007). We also work hard to raise standards and promote interfaith dialogue in national forums, such as the Mosques and Imams National Advisory Board in the UK, and have helped spearhead initiatives such as the Iraqi Council for Interfaith Dialogue in Iraq.

The Al-khoei Foundation is deeply alarmed by the rise of religious intolerance and religious sectarianism worldwide. The Foundation unequivocally supports the Universal Declaration of Human Rights and the enshrined principles within the Charter of the United Nationals and international law.

We wish to raise our concern that Shia Muslims in Indonesia are being increasingly subjected to discrimination on the grounds of their religion and beliefs, as well as violations of their human rights. Estimates of the number of Shia Muslims in Indonesia vary considerably from one to six million. The majority of Shias are concentrated in the areas of Sumatra, Madura and Jakarta. In recent years, these communities have increasingly been subjected to laws, fatwas and regulations that restrict their right to practice their religion, as well as their freedoms of expression and opinion.

Freedom of religion and belief for all citizens regardless of their faith denomination is enshrined in Chapter XI of the Constitution of the Republic of Indonesia in 1945. However, despite this protection, religious minorities in Indonesia often experience persecution based on their religion or beliefs. One of the greatest obstacles to freedom of expression and opinion in Indonesia is the 1965 blasphemy laws found in Article 156(a) of the Indonesia Penal Code, which allows for a five-year prison sentence for expressing hostility, hatred or contempt against a religion. Only six religions are afforded protection under this act; Islam, Protestantism, Catholicism, Hinduism, Buddhism and Confucianism. Because of the vague nature of these blasphemy laws, they are left open to misuse. Therefore, religious minorities in Indonesia, including Shia Muslims, are often subjected to persecution using Article 156(a) as justification. While Islam is afforded protection under the blasphemy laws, a number of key developments in relation to the Shia interpretation of Islam give cause for concern. In 2012, the Ulama Council in East Java declared Shia Islam to be 'blasphemous' in accordance with this law. Following this ruling, a decree was issued by the Governor of East Jakarta imposing penalties on anyone who propagates 'blasphemous teachings'. Therefore, despite official protection under both the Indonesian constitution and Article 156(a) of the penal code, there is a dangerous trend towards increased discrimination against Shia Muslims.

Curtailments of freedom of expression and opinion in Indonesia are evident in the arrest and sentencing of Shia religious leaders for expressing their religious beliefs. For example, in 2012 the Shia cleric, Tajul Muluk, was imprisoned for four years under the blasphemy laws. He is accused of giving 'deviant teachings', as identified by a fatwa issued by the Sampang branch of the Indonesian Ulema Council. Shia citizens have also been harassed and detained under Article 156(a) – the blasphemy laws - for acts of 'deviancy'.

This trend towards denouncing Shia Islam as 'blasphemous' places members of the Shia minority in direct threat of imprisonment simply for practicing or voicing their beliefs. We believe it is a gross violation of any groups fundamental human rights to declare the beliefs of the group to be 'blasphemous' and we are alarmed by the enforcement of

penalties for supposed breaches of this blasphemy law by Shia Muslims. The Foundation welcomes the recommendations made by the Special Rapporteur on Freedom of Religion and Belief for blasphemy laws worldwide to be repealed.

Furthermore, examples of communal anti-Shia violence have emerged to cause concern among Shia citizens and both domestic and international observers. Shia citizens have been subjected to acts of violence, vandalism and intimidation by extremist groups, such as the Islamic Defenders Front (FPI), as well as members of the public. According to the Jakarta-based Serata Institute, attacks motivated by religious hatred have risen between 2007 and 2012 from 135 to a reported 264 incidents. For example, according to the BBC, in 2011 on Madura Island a Shia community was attacked by a large group of angry members of the public, resulting in one reported death and dozens of injuries. The community was forced to relocate to a local sport centre after their homes were destroyed and threats were made by other local residents, forbidding their return. Often these attacks against Shia citizens or other religious minorities go unpunished with incidents receiving minimal attention from the authorities and perpetrators not brought to justice. The Al-khoei Foundation calls on the Indonesian government to bring the perpetrators of acts of violence and intolerance such as these to justice.

A significant factor in the rising discrimination against Shia Muslims is the increasingly vocal anti-Shia stance being advocated by certain hard-line groups. Most recently, and most worryingly, a self-proclaimed 'anti-Shia' convention was convened in Jakarta in April 2014. This event was organised by the Anti-Shia Alliance and attended by a significant number of people, including several Indonesian government officials and representatives from the Islamic Defenders Front. During the event, an 'anti-Shia declaration' was drawn up, which called for Shia Islam to be banned and for action to be taken against Shia organisations, including revoking all licences. This convention constitutes a serious turn of events that marks a bolder and more public attempt to marginalise and victimise the Shia communities within Indonesia.

The situation in Indonesia echoes in some respects that of a growing trend towards the marginalisation of Shia Muslims in other South-East Asian states. The Shia community in Malaysia faces increasing oppression following the reinstatement of a 1996 fatwa that has declared Shia Islam to be a heretical sect. Fatwas and local government rulings are increasingly curtailing the right of Malaysian Shia Muslims citizens to practice their religion and express their opinions freely. There is a concern that this trend of casting Shi'ism as outside the fold of Islam through state-sanctioned laws might continue into Indonesia. In Indonesia, however, the discrimination against Shia Muslims has not been written into law. The government must act before this happens to ensure that the rights of all religious minorities to practice and speak freely in regards to their religions are protected.

The Al-khoei Foundation whole-heartedly supports the recommendation made by Canada to Indonesia during the 2012 Universal Period Review in which it called for Indonesia to "Undertake measures to protect members of religious groups, including Ahmadis, Baha'is, Christians and Shias from harassment and acts of violence. This should commence with holding senior law enforcement accountable for their duties that include training for law enforcement officials at the local level to ensure an effective and adequate response to these incidents. This would also include reviewing laws and regulations which discriminate, directly or indirectly against one's religion or belief, including in particular the Blasphemy Act". (Recommendation from Canada to Indonesia, Universal Periodic Review 2nd Cycle, Session 13, Adopted: 19th September 2012) The Foundation welcomes Indonesia's acceptance of the recommendation and encourages the government to continue to act in a way that strengthens religious tolerance. In September 2013, the government refused to accept the demands of hardliners calling for a ban on Ahmadis. We call upon the government to extend this strong affirmation of religious freedom to Shia Muslims also.

In order to live up to the respect for religious pluralism and tolerance espoused in its constitution, Indonesia must take steps to curb the increasing targeting of, and discrimination against, religious minorities. This can be achieved through continuing to foster a national culture of acceptance and respect for all religious groups. The Indonesian government should meet its obligations to hold accountable any police, government officials, and members of other groups implicated in human rights abuses. The Al-khoei Foundation calls on the Indonesian government to uphold the principles of pluralism and tolerance so often found in Indonesia's history by ensuring the protection of minority religious groups and their places of worship.

Accordingly, there are a number of further suggestions that the Al-khoei Foundation would like to make to the following parties:

To States:

- To examine further the pattern, and rising threat, of violence against Shia Muslims and other religious minorities in Indonesia as part of a wider pattern of the encroachment on the rights of religious minority groups worldwide.
- To urge Indonesia to repeal its blasphemy laws and extend equal recognition to all religious groups.
- To speak out against the persecution of Shia Muslims in Indonesia, and take steps to prevent the situation escalating into further human rights abuses and sectarian violence.

To the Special Rapporteur on Freedom of Expression and Opinion:

- To continue to speak out against the violation of the rights of minority groups to express their opinions and beliefs without oppression, violence or intimidation.
- We welcome the Special Rapporteur's request to visit Indonesia under his official capacity. We urge him to investigate the human rights violations against the Shia Muslims and other minority groups in Indonesia, in particular the misuse of the blasphemy laws.